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ATTORNEY DOCKET NO. CONFIRMATION NO. FIRST NAMED INVENTOR FILING DATE APPLICATION NO. 3203 10/14/2003 Jeffrey B. Musat 3519 10/684,649 **EXAMINER** 22474 10/14/2005 DOUGHERTY, CLEMENTS, HOFER, BERNARD & WALKER TRAN, LEN 1901 ROXBOROUGH ROAD PAPER NUMBER ART UNIT SUITE 300 1725. CHARLOTTE, NC 28211

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Application No.   Applicant(s)				En la companya di companya	
Examiner   Len Tran   1725		Application No.	Applicant(s)		
Len Tran   1725		10/684,649	MUSAT ET AL.		
The MALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Repty Period Period Repty Period for Repty Perio	Office Action Summary	Examiner	Art Unit		
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  after 50x (8) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximus date of this communication.  Fill of the period for reply is period drow, the maximus date of this communication.  Fill of the period for reply is period drow, the maximus date of this communication.  Fill of the period for reply is period for reply well, by attack, cause this application to become ABM-MONED; (35 U.S.C. § 13.3).  Fill of the period attent time adjustment. See 37 CFR 1.704(s).  Status  1)  Responsive to communication(s) filed on 12 September 2005.  2a) This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-33 is/are pending in the application.  4)  Claim(s) 1-33 is/are rejected.  Claim(s) 1-32 is/are objected to.  Claim(s) 1-32 is/are objected to.  Claim(s) 1-32 is/are objected to.  Claim(s) 1-32 is/are objected to period or period or b)  The specification is objected to by the Examiner.  10) The drawing(s) filed on 1 is/are: a) 1 accepted or b)  Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3) All b) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  3) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. §		Len Tran	1725		
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	Paper No(s)/Mail Date	6) Other:			

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### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, 2, 4-19, and 27-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Ray et al (US 6,416,649).

Ray et al disclose the method of producing an inert anode comprising the method of providing a metal-ceramic substrate, forming a molten metal oxide compound comprising ferrite and nickel, and coating the substrate. The substrate is oxidized to promote adherence to of the molten metal oxide. The coating of the substrate is by immersion, wherein the surface inherently has indented and raised portions. The substrate is further added with dopant (col. 2, line 52-col. 4 line 35).

### Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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- 4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 5. Claims 3 and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al (US '649).

Ray et al lacks the mentioning of post coating heat treatment and slow cooling the anode. However, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to post heat treatment in order to make the anode stronger.

## Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Len Tran whose telephone number is (571) 272-1184. The examiner can normally be reached on M-F, 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Len Tran

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Law

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October 11, 2005